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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,115	02/04/2002	Paul-Andre Savoie	34388	6012

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

KIM, WESLEY LEO

ART UNIT	PAPER NUMBER
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2683

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DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,115

Applicant(s)

SAVOIE, PAUL-ANDRE

Examiner

Wesley L Kim

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4 - 5/07/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 104 in Par.20 line 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 8, 12, 13, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4, 8, 12, and 16 recites the limitation "using a determined unusable control channel to transmit tracking information" in lines 2-4 of claims 4, 8, 12, and 16. The term "unusable" renders the claim vague and indefinite because the

examiner interprets an unusable control channel as one, which cannot transmit any information. For the purposes of examination, the examiner assumes the term "unusable" is now "usable".

Claim 13 recites the limitation "a processing portion for installing a cellular transceiver in a tracking target" in lines 7-8 of claim 13. The limitation as claimed is vague and indefinite. It is unclear to the examiner as to if the processing portion performs the installation of the cellular transceiver in the target. Installation of a cellular transceiver in a tracking target involves physically installing the hardware onto the target, which cannot be done by a process. For purposes of examining, the examiner will assume that the phrase is "a processing portion for the steps of installing a cellular transceiver in a tracking target".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-7, 9-11, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Savoie et al.

Regarding claim 1, Savoie et al discloses a tracking system comprising: a cellular transceiver installed in a tracking target (Col.4;67-Col.5;3); and a central server (Col.5;25 Cellular network) for paging the installed cellular transceiver to

enter into a tracking mode (Col.6;19-25) over a cellular network control channel (Fig.3C;41), and collecting tracking mode information provided through RRES (Col.5;51-54 security service provider) to map information such as Cell Site ID and Sector for use as reference points for the tracking of the tracking target (Col.6;8-33).

Regarding claim 5, Savoie et al discloses a tracking method comprising the steps of: (i) installing a cellular transceiver in a tracking target (Col.4;67-Col.5;11); and (ii) paging the installed cellular transceiver (Col.6;19-21), over a cellular network control channel (Fig.3C;41), to enter into a tracking mode to identify, from information provided through the RRES (Col.5;51-54 security service provider), one or more cell sites located near the tracking target so as to enable the tracking of the tracking target (Col.6;8-33).

Regarding claim 9, Savoie et al discloses a tracking system employing cellular network control channels (Fig.3c;41), the system comprising: means for installing a cellular transceiver in a tracking target (Col.4;67-Col.5;11); and means for paging the installed cellular transceiver (Col.6;16-22), over a cellular network control channel (Fig.3C;41), to enter into a tracking mode to identify (Col.6;24-25), from information provided through the RRES (Col.5;51-54 security service provider), one or more cell sites located near the tracking target so as to enable the tracking of the tracking target (Col.6;8-33).

Regarding claim 13, Savoie et al discloses a storage medium readable by a computer (To one skilled in the art it is inherent that the cellular network in

Art Unit: 2683

Fig.3c is comprised of computers which have storage medium readable by a computer), the medium encoding a computer process to provide a tracking method employing cellular network control channels (To one skilled in the art, it is inherent that computers have a medium which encode some sort of process, and in this case the process provides a tracking method employing cellular network control channels as can be seen in Fig.3c;41), the computer process comprising: a processing portion for the steps of installing a cellular transceiver in a tracking target (Col.4;67-Col.5;11); and a processing portion for paging the installed cellular transceiver (Col.6;16-19), over a cellular network control channel (Fig.3C;41), to enter into a tracking mode to identify (Col.6;24-25), from information provided through the RRES (Col.5;51-54 security service provider), one or more cell sites located near the tracking target so as to enable the tracking of the tracking target (Col.6;80-33).

Regarding claim 2, 6, 10, and 14, Savoie et al discloses all the limitations as disclosed in claim 1, 5, 9, and 13. He also discloses a chase vehicle deployed to a tracked location to enable the interception of a stolen vehicle (Col.6;63-Col.7;18), the chase vehicle including a tracking module having: a Doppler direction finder for finding the direction of the stolen vehicle's cellular transceiver (Col.7;12-16 and Col.8;1-2); a tracking radio linked to the Doppler direction finder (Fig.4a;50); and an updating radio set (the updating radio set is in Fig.4a and is comprised by reference numbers 51-59) to periodically update the chase

Art Unit: 2683

vehicle's position in one direction (Fig.4a;51 to a skilled artisan it is inherent that the position of the vehicle is periodically updated by the GPS), and update the control channel frequency in the other direction (Col.7;57-59).

5. Claims 3, 7, 11, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Savoie et al.

Regarding claim 3, 7, 11, and 15, Savoie et al discloses all the limitations as disclosed in claims 2, 6, 10, and 14 in addition to a chase vehicle equipped with a Global Positioning System (GPS) receiver for determining its own location with respect to one or more cell sites identified as being close to the target to enable the chase vehicle to more quickly travel to an area determined by the identified cell sites (Col.7;33-40).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 8, 12, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Savoie et al in view of Persson. Savoie et al discloses all the limitations as disclosed in claims 3, 7, 11, and 15 however Savoie et al does not expressly disclose using a determined usable control channel to transmit tracking information. Persson on the other hand does disclose using a determined usable control channel to transmit tracking information (Col.7;38-49 if the control

Art Unit: 2683

channel is too weak for the cell then it is not used, only control channels whose signals are determined strong enough to transmit throughout the entire cell are used). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the use of a control channel to transmit tracking data within a tracking system so that a signal may be transmitted to the transceiver of a target with unknown location in the cell so that a search may be initiated (Col.7;35-38).



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600